

COPY OF PAPERS
ORIGINALLY FILED
03/12/03



9222.16785-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Stuart D. Edwards

Examiner: Unknown

Serial No. : 09/924,935

Group/Art Unit: 3739

Filed : 8 August 2001

For : Apparatus to Detect and Treat Aberrant Myoelectric Activity

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir,

Please issue a Corrected Filing Receipt to show the following changes:

Please correct the inventorship to indicate that "Stuart D. Edwards" is the sole inventor.

The Domestic Priority Data as claimed by the applicant lists five (5) priority documents. The correct information should read: "This application is a CON of 09/026,085 02/19/1998 ABN". A copy of a Preliminary Amendment which was filed with the application and which contains the correct information is enclosed.


A copy of the filing receipt marked "Version with markings to show changes made" is enclosed.

In addition, the returned postcard identifies the serial number as 09/924,915. The filing receipt identifies the number as "09/924,915" and is the identifier used by the Applicant.

A Fee of \$25.00 is enclosed to cover the cost to make these changes.

Please issue a corrected filing receipt.

Respectfully submitted,

By 
Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
27 February 2002



CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mary Szollar

Date: 27 February 2002

(Type or print name of person mailing paper)

Mary Szollar
(Signature of person mailing paper)



Version with markings to show changes.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/924,935	08/08/2001	3739	512	9222.16785- CON	34	33	4

CONFIRMATION NO. 5246

FILING RECEIPT

OC000000006495850

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
MILWAUKEE, WI 53226

Date Mailed: 08/30/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Utley, Residence Not Provided;	DELETE
Ronald Lax, Residence Not Provided;	DELETE
Stuart D. Edwards, Residence Not Provided;	RETAIN

Assignment For Published Patent Application

Curon Medical, Inc.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/026,085 02/19/1998 ABN RETAIN

WHICH IS A CIP OF 08/731,372 10/11/1995 PAT 5,554,755	DELETE
WHICH IS A CIP OF 08/319,373 10/06/1994 PAT 5,575,788	DELETE
WHICH IS A CIP OF 08/286,862 08/04/1994 PAT 5,558,672	DELETE
WHICH IS A CIP OF 08/272,162 07/07/1994 PAT 5,569,241	DELETE
WHICH IS A CIP OF 08/265,459 06/24/1994 PAT 5,505,730	DELETE

Foreign Applications

If Required, Foreign Filing License Granted 08/29/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

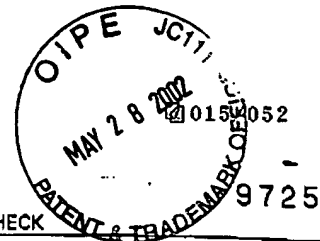
Non-Publication Request: No

Early Publication Request: No

05/28/02 09:03 FAX 262 783 1211

RYAN KROMHOLZ

RYAN KROMHOLZ & MANION, S.C.



DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
02/27/02	Commissioner of Patents and Trademarks Curon Medical; 9222.16785 CON; S/N 09/924,935		810.00		810.00

CHECK DATE	CONTROL NUMBER	TOTALS ▶	Gross:	Ded:	Net:
02/27/02	9725		810.00	0.00	810.00

RYAN KROMHOLZ & MANION, S.C.

POST OFFICE BOX 28818
MILWAUKEE, WI 53226-0618

ASSOCIATED BANK
MILWAUKEE OFFICE
MILWAUKEE, WI 53201-0522
12-94-750

9725

DATE CHECK AMOUNT

02/27/02 *****\$810.00

PAY

*** EIGHT HUNDRED TEN & 00/100 DOLLARS

TO THE
ORDER
OF:

Commissioner of Patents and Trademarks
Washington DC 20231

⑈009725⑈ ⑆07500094⑆ 14 033 548⑈

FILED IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Responsive to the Notice to File Missing Parts mailed 30 August 2001

Serial No.: 09/924,935

Title: Apparatus to Detect and Treat Aberrant Myoelectric Activity

Applicant: Stuart D. Edwards/Curon Medical, Inc.

Mailed: 27 February 2002

Docket #: 9222.16785-CON

Via First Mail

Enclosures: Completion of filing Requirements; copy of Notice to File Missing Parts; Declaration/POA; Attorney Statement; 34 (thirty-four) pages of informal drawings with required margins; Request for Corrected Filing Receipt; copy of preliminary amendment; copy of filing receipt; Check 9725 (\$810.00); return postcard.
DDR/mas



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/924,935	08/08/2001	Edwards, Stuart	9222.16785-CON

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
MILWAUKEE WI 53226

RECEIVED
MAY 24 2002

Title: Apparatus to detect and treat aberrant myoelectric activity
RYAN KROMHOLZ & MANION S.C.

Date Mailed: 05/20/2002

Request for Substitute Papers

The papers filed on 03/12/02 (certificate of mailing dated 02/27/02) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated 703-746-4060(OIPE).

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely reply to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Patricia Lumbach Registration No.: 50,295

Signature: Patricia Lumbach Date: _____



RYAN KROMHOLZ & MANION, S.C.
ATTORNEYS AT LAW

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Building Address:
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Brookfield, WI 53045

Arnold J. Ericson (Of Counsel)

Date: 28 May 2002

Coversheet + 51 Page(s)

RECIPIENT(S):
U.S. Patent & Trademark Office

FACSIMILE:
(703) 746-4060

Regarding: Application No.: 09/924,935
Atty. Docket No.: 9222.16785-CON

Comments: Please see the following Request for Substitute Papers with enclosures.

From: *Patricia A. Limbach*

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 746-4060 on 28 May 2002.

Typed or printed name of person
signing this certificate:
Julie A. Wolf

Signature:

Julie A. Wolf

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

9222.16785-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stuart D. Edwards

Group: 9339

Serial No.: 09/924,935

Examiner: Unknown

Filed: 8 August 2001

For: Apparatus to Detect and Treat Aberrant Myoelectric Activity

Commissioner of Patents and Trademarks
Washington, D.C. 20231
ATTENTION: Application Division

COPY OF PAPERS
ORIGINAL FILED
83/12102

COMPLETION OF FILING REQUIREMENTS

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed
30 August 2001.

NOTE: If these papers are filed before the office letter issues adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application-Filing Date
Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

DECLARATION OR OATH

- II. ☒ No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

CERTIFICATE OF MAILING (37 CFR 1.8a)

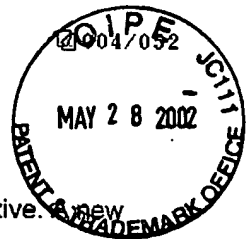
I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mary Szollar

(Type or print name of person mailing paper)

Date: 27 February 2002


(Signature of person mailing paper)



OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor AND (1) SERIAL NUMBER (2) ATTORNEY DOCKET NUMBER WHICH WAS ON THE APPLICATION AS FILED AND THE FILING DATE (3) TITLE OF THE INVENTION AND FILING DATE (4) TITLE OF INVENTION AND REFERENCE TO A SPECIFICATION WHICH IS ATTACHED TO THE DECLARATION AT THE TIME OF EXECUTION AND FILED WITH THE DECLARATION OR (5) TITLE OF INVENTION AND A STATEMENT BY A REGISTERED ATTORNEY THAT THE APPLICATION FILED IN THE PTO IS THE APPLICATION WHICH THE INVENTOR EXECUTED BY SIGNING THE DECLARATION. IF IDENTIFICATION (4) IS USED IT MUST BE ACCOMPANIED BY A STATEMENT THAT THE "ATTACHED" SPECIFICATION IS A COPY OF THE SPECIFICATION AND ANY AMENDMENTS THERETO WHICH WERE FILED IN THE PTO TO OBTAIN THE FILING DATE; SUCH A STATEMENT MUST BE A VERIFIED STATEMENT IF MADE BY A PERSON NOT REGISTERED TO PRACTICE BEFORE THE PTO. NOTICE OF SEPTEMBER 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☒ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV.

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 CFR 1.52(d).



SMALL ENTITY STATUS

V.

☒ The applicant is a small entity and is entitled to Small Entity Status.

VI.

COMPLETION FEES

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

NOTE: The filing fees, fees for claims and surcharge fees listed below in items 1, 2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid but a verified statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

1. Filing fee

☐ original patent application (37 CFR 1.16(a))
\$740.00; Small entity-\$370.00 \$ _____

☐ design application (37 CFR 1.16(f))
\$330.00; small entity-\$165.00 \$ _____

2. fees for claims

☐ each independent claim in excess of 3
(37 CFR 1.16(b))-\$84.00; small entity-\$42.00 \$ _____

☐ each claim in excess of 20
(37 CFR 1.16(c))-\$18.00; small entity-\$9.00 \$ _____

☐ multiple dependent claim(s)
(37 CFR 1.16(d))-\$280.00; small entity-\$140.00 \$ _____

3. surcharge fees

☒ late payment of filing fee

and/or

☒ late filing of original declaration or oath
(37 CFR 1.16(e))-\$130.00; small entity-\$65.00; \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers only one surcharge fee for both need be paid. 37 CFR 1.16(e).

4. ☐ petition and fee for filing by other than all the inventors
or a person not the inventor
(37 CFR 1.17(h) and 1.47-\$130.00) \$ _____

5. ☐ fee for processing an application filed with a specification
in a non-English language
(37 CFR 1.17(k) and 1.52(d))-\$130.00 \$ _____

6. ☐ fee for processing and retention of application
(37 CFR 1.21(l) and 1.53(d))-\$300.00

\$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of \$ 1.21(f) within 1 year of notification under \$1.53(d) must be paid.

Total completion fees

\$ 65.00

VII.

EXTENSION OF TIME

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input checked="" type="checkbox"/> four months	\$1440.00	\$720.00
<input type="checkbox"/> five months	\$1960.00	\$985.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request

\$ _____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

VIII.

TOTAL FEE DUE

The total fee due is

Completion fee(s) \$ 65.00

Extension fee (if any) \$ 720.00

TOTAL FEE DUE \$ 785.00



IX.

PAYMENT OF FEES

- ☒ enclosed is a check in the amount of \$ 785.00
- ☐ charge Account No. _____ in the amount of \$ _____. A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

X.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: ACCURATELY COUNT CLAIMS, ESPECIALLY MULTIPLE DEPENDANT CLAIMS, TO AVOID UNEXPECTED HIGH CHARGES IF EXTRA CLAIMS ARE AUTHORIZED.

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 06-2360
- ☒ 37 CFR 1.16 (a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)

WARNING: WHILE 37 CFR 1.17(A), (B), (C) AND (D) DEAL WITH EXTENSIONS OF TIME UNDER § 1.136(A) THIS AUTHORIZATION SHOULD BE MADE ONLY WITH THE KNOWLEDGE THAT: "SUBMISSION OF THE APPROPRIATE EXTENSION FEE UNDER 37 CFR 1.136(A) IS TO NO AVAIL UNLESS A REQUEST OR PETITION FOR EXTENSION IS FILED." (EMPHASIS ADDED). NOTICE OF NOVEMBER 5, 1985 (1060 O.G. 27).

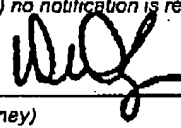
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application ... prior to paying, or at the time of paying ... issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Reg. No. 29,243

Telephone No.: (262) 783 - 1300


(Signature of Attorney)

Daniel D. Ryan
(Type or Print Name of Attorney)
RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/924,935	08/08/2001	David Utley	9222.16785-CON

CONFIRMATION NO. 5246

FORMALITIES LETTER

OC000000006495851

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
MILWAUKEE, WI 53226

COPY OF PAPERS
ORIGINALLY FILED

08/12/02

Date Mailed: 08/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*